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C O N F I D E N T I A L SECTION 01 OF 02 WARSAW 000381

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SUBJECT: INFIGHTING CONTINUES AMONG STABILIZATION PACT PARTIES

REF: A. (A) WARSAW 240

¶B. (B) WARSAW 177

Classified By: Political Counselor Mary Curtin, reasons 1.4 (B) and (D)

¶11. (SBU) Summary: While the Stabilization Pact signed February 2 between Poland's governing Law and Justice Party (PiS) the League of Polish Families (LPR) and Self Defense (SO) helped stave off early elections, it has not stopped political battling among the partners, nor guaranteed the smooth passage of PiS' priority legislation. Very few of the Pact's laundry list of bills have been fully developed, and those that have are making slow progress. Many in PiS and the opposition Civic Platform (PO) still predict the parliament will not last its full four years. End Summary.

What's in the Pact?

¶12. (SBU) The Stabilization Pact contains a package of 144 bills that the three parties agreed to support in 2006, and a second group of proposals to be considered for possible legislative action. The second set, mostly crafted by SO, contain a number of populist proposals, some of which PM Marcinkiewicz has questioned as not economically viable. The first set of bills largely rehash PiS campaign promises on a wide range of domestic political priorities: establishment of an anti-corruption office, creation of a permanent parliamentary Truth and Justice Committee empowered to investigate government abuses, an overhaul of the military intelligence service and expanded lustration (political vetting of public officials to determine if they cooperated with Communist era security services). Both PiS and PO insiders have acknowledged that the details of most of the bills have not been worked out, and that the Pact has no mechanism for enforcing agreement before the bills go to the Sejm.

¶13. (SBU) As a whole, the Stabilization Pact is vague, and short on detail. Progress on even the most important PiS legislative items has been slow, at best, and in other cases mired in dispute. An anti-corruption chief has been appointed as Secretary of State in the Prime Ministers' Office, and legislation to create a Central Anti-Corruption Office has been introduced in parliament and was reported to committee on February 17. The proposed overhaul of military intelligence (which will be discussed in greater detail septel) exposed a rivalry between Defense Minister Radek Sikorski and the government's intelligence chief, Zbigniew Wasserman, with both jockeying for preeminence in the contemplated new service. President Kaczynski intervened in the dispute and is reviewing his options, though press reports suggest he prefers the package proposed by Wasserman, a trusted PiS insider.

¶14. (SBU) A third major piece is also stalled. According to many Polish constitutional experts, establishing a permanent standing Truth and Justice commission in the parliament with a broad mandate to investigate abuses would require amending the Polish constitution, difficult if not impossible in the current political environment. PiS chief Jaroslaw Kaczynski is exploring possible legislative solutions that would bypass the cumbersome amendment process, but it is far from clear that any such law could trump the constitution itself. Finally, while LPR and SO generally agree with PiS on these first legislative items, they are not comfortable with proposed changes to lustration that PiS wants to implement, including the liquidation of the existing lustration court and the government ombudsman for lustration. Many of the remaining 144 legislative proposals are referenced in single sentences in the Stabilization Pact, and have not yet come to the Sejm. (The impact of the proposed economic legislation is reviewed in reftel A.)

Infighting Continues Despite Pact

¶15. (SBU) Moreover, while the pact provided a useful mechanism for forcing LPR and SO to support the budget, it has not, as it was designed to, stopped the constant political bickering between PiS and its partners, and even Jaroslaw Kaczynski announced March 3 that it was "seriously threatened." No sooner than the Stabilization Pact was

signed, strains immediately appeared. When, on February 13, President Kaczynski toyed again with calling snap elections, SO's Andrzej Lepper and LPR's Roman Giertych angrily announced their parties were prepared to run on a joint slate to make sure they would be represented in a new parliament, revealing the ongoing distrust between PiS and its partners.

16. (C) PiS insiders told Poloffs that President Kaczynski's February 13 decision not to call snap elections was hotly debated by PiS's governing council, and was far from unanimous. Those supporting early elections told poloffs that SO and LPR were not reliable partners, and even PiS members do not expect the marriage of convenience to last for long. One State Secretary in the Prime Minister's Chancellery was openly cynical in talking to us about the pact, saying he didn't "believe in" the Stabilization Pact and calling the current political situation "not normal." He dismissed the second annex to the pact, which contains priority legislation proposed by LPR and SO as meaningless, indicating the government had no intention of actually developing those bills.

17. (U) For their part, both Giertych and Lepper have repeatedly threatened to back away from the Stabilization Pact. Giertych earlier this week declared that LPR was ready to serve as "soft opposition" if PiS dragged its feet on LPR's legislative initiatives, and then flip-flopped on March 3 to announce LPR's "100% support for the Pact." Lepper threatened to walk away last week if he could not meet with Jaroslaw Kaczynski (who was "too busy," according to press reports), and this week if he failed to meet with the Prime Minister. The PM eventually met him to discuss some of SO's priorities, including closing larger stores on Sundays, and refunding excise taxes for diesel fuel, which would be popular with farmers, but which Marcinkiewicz had earlier declared impossible due to budgetary constraints.

18. (SBU) Comment: It seems unlikely that PiS will find a way to restrain its quasi-partners, particularly as parties begin to jockey for position for next fall's local elections, bringing into question the real value of the Pact, and the likelihood that PiS will achieve its legislative goals. PiS Deputy Adam Hofman told poloff on March 1 that PiS hopes to make further inroads into its partners' core constituencies by delivering on the very promises that Lepper and Giertych have failed to, which will further anger SO and LPR. The Stabilization Pact looks like it will continue to provide a bumpy, rather than stable, ride. End Comment.

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